S.B.CIVIL TRANSFER PETITION NO.43/2005

Smt. Taruna
vs.
Deepesh Sanchora

DATE OF ORDER ::: 5.5.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. A Purohit, for the petitioner.
None present for the respondent.

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Heard learned counsel for the petitioner as nobody appeared for the respondent despite service.

The petitioner, wife of respondent, has moved this application for transfer of the Petition No.229/2005 filed by the respondent under Section 9 of the Hindu Marriage Act and which is pending in the Family Court, Ajmer.

According to the petitioner, the marriage of the petitioner and respondent was solemnised on 26.11.2003 at Jodhpur as per Hindu Customs and rights. The petitioner found that her husband is habitual drunkard and used to beat the petitioner. According to the petitioner, she has filed one petition under Section 125 CrPC which is pending at Family Court, Jodhpur. The petitioner has also filed complaint under Section 498A and 406 IPC whereas the

respondent has filed the petition under Section 9 for restitution of conjugal rights in the Family Court, Ajmer. The petitioner says that he is a young lady and no male member is there to accompany her for conducting the case at Ajmer which is almost 200 kms. from the place of her residence. It is also submitted that the Family Court is situated in Jodhpur where the marriage was solemnised. It is alsosubmitted that the petitioner has received threats from the respondent.

In view of the facts mentioned in the transfer petition and pending litigation at Jodhpur and the petitioner being a young lady and in view of the fact that nobody has opposed this application, this transfer petition is allowed, the Petition no.229/2005 (Deepesh Sanchora vs. Smt. Taruna) filed by the respondent pending in the Court of Family Court, Ajmer is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya